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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 TERRY COUSINS,

12 Plaintiff,

13 v.

14 KITSAP COUNTY, NED NEWLIN and
15 KITSAP COUNTY SHERIFF
16 DEPARTMENT,

17 Defendants.
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No. C 08-5764KLS

ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

19 The Defendants filed a Motion for Summary Judgment requesting dismissal of all of Plaintiff's
20 claims. Dkt. 14 - 16. The motion was filed on January 14, 2010 and properly noted for February 5, 2010.
21 The Plaintiff's Response was due, pursuant to this Court's local rules, "not later than the Monday before
22 the noting date" which was February 1, 2010. Local Rule CR 7(d)((3). The Plaintiff has not filed any
23 responsive pleadings.

24 The Plaintiff asserted four causes of action in her Complaint: (I) Title VII Discrimination Based
25 on Gender; (II) Interference with Right to Free Speech; (III) Retaliation for Whistle Blower Activity; and
26 (IV) Retaliation for Filing EEOC Claim.

27 The Defendants presented evidence through the Declarations of Jacquelyn M. Aufderheide, the
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1 Declaration of Bert Furuta, and with the Final Decision and Orders of the Office of Administrative
2 Hearings for hearings held on October 7 and 8, 2008 and June 21 - 23, 2009.


3 The Defendants assert that the claims raised in these two administrative hearings are the same
4 issues raised by Ms. Cousins in the second and third claims in her Complaint. They also assert that these
5 claims were fully litigated and decided at the administrative hearing level and that such decisions require
6 the dismissal of Claims II and III on issue preclusion grounds. This Court agrees.

7 With regard to the Plaintiff's first claim of Title VII Discrimination based on Gender the
8 defendants assert that this claim must be dismissed on the grounds that a prima facie case of
9 discrimination does not exist. This Court agrees.

10 Finally, with regard to the Plaintiff's fourth claim of Retaliation for Filing EEOC Claim, the
11 defendants assert that this claim must be dismissed for the plaintiff's failure to exhaust administrative
12 remedies. The evidence before the Court supports that assertion and this Court agrees that this claim must
13 be dismissed.

14 Therefore, the Defendants' motion to dismiss all of plaintiff's claims is hereby **GRANTED**.

15 DATED this 5th day of February, 2010.

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18 Karen L. Strombom
19 United States Magistrate Judge
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